

KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Review Item:

702 KAR 4:160, Capital Construction Process

Applicable Statute or Regulation:

KRS 156.070	KRS 162.065
KRS 156.160	KRS 162.070
KRS 157.420	KRS 322.360
KRS 160.160	KRS 323.033

History/Background:

Existing Policy. KRS 156.160 requires the Kentucky Board of Education (KBE) to promulgate administrative regulations establishing standards that school districts shall meet in operational performance, including construction of public school buildings and the use of uniform forms. In 1994, by regulation, the KBE adopted the American Institute of Architects (AIA) family of design and construction industry documents. These documents originated in 1888, are updated periodically, and have served to provide school districts, their design consultants and contractors, and the Department of Education with a comprehensive set of uniform construction documents.

702 KAR 4:160 prescribes procedures and criteria for the construction of public school buildings, and adopts and incorporates many AIA documents. About every 10 years AIA updates some of their documents, and in 2007 they revised documents regarding relationships between the Owner-Contractor and the Owner-Architect. One purpose of this proposed amendment is to adopt the 2007 editions of AIA Documents (AIA A101, Owner-Contractor Agreement; AIA A201-General Conditions of the Contract for Construction; AIA B101, Owner-Architect Agreement), and to update the Department amendments to fit the 2007 AIA documents. Other revisions are a result of recommendations of the Auditor of Public Accounts' Report, dated 9/7/07, and the School Facilities Task Force Report, issued on September 30, 2006. The Kentucky Fairness in Construction Act requires a few revisions, and minor changes are housekeeping in nature. (See attached list for specific changes.)

Groups Consulted and Brief Summary of Responses:

The Local Superintendents Advisory Council will be reviewing 702 KAR 4:160 at their upcoming meeting and KDE staff will report their comments at the December KBE meeting.

Impact on Getting to Proficiency:

Consistent construction documents facilitate the development of good school buildings,

and school facilities are a necessary component for academic success. A school's physical environment has an impact on student achievement, and the attitude of teachers and staff. Renovation of existing schools and construction of new school facilities will improve the instructional environment and favorably affect district progress toward reaching proficiency in 2014.

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